

Plans in review process prior to effective date of regulations

Following the effective date of the revised regulations, any project, including those that had submitted plans for review prior to the effective date, may choose to submit for approval of a plan complying with the revised regulations. Based on the “functionally equivalent” language contained in SB253 and the redevelopment language contained in SB204, plan design criteria prior to and following the effective date of the revised regulations will not be significantly different.

BMP designs, Soil Investigation Procedures and Setbacks as defined in Sections 11.0 and 12.0 of the revised regulations must be adhered for all projects submitting preliminary sediment and stormwater plans (step 2 in the review process) following the effective date of the revised regulations.

Projects that have submitted preliminary sediment and stormwater plans for review prior to the effective date of the regulations will have until December 31, 2019 to gain approval of the plan if choosing not to adhere to all requirements in the revised regulations.

Third Party CCR

For projects that have not held a pre-construction meeting nor begun construction prior to the effective date of the revised regulations, when a CCR is required by the Department or Delegated Agency, that CCR must be a third party CCR as defined in Section 2.0.

For projects that held a pre-construction meeting and began construction prior to the effective date of the revised regulations, CCRs active on those projects may remain with the project throughout construction unless the plan approval agency notifies the project owner that a third party CCR is required. At any time that the CCR is replaced on an active project, the new CCR must be a third party CCR.

Confirmatory Infiltration Testing

Any stormwater BMP that relies upon infiltration to meet compliance, that begins construction as noted by CCR reports and/or BMP Facility Construction Checklists **following** the effective date of the revised regulations, **must complete confirmatory infiltration testing** in accordance with 12.1.3.2

Any stormwater BMP that relies upon infiltration to meet compliance, that begins construction as noted by CCR reports and/or BMP Facility Construction Checklists **prior to** the effective date of the revised regulations, **is not required to complete confirmatory infiltration testing** in accordance with 12.1.3.2 unless directed to do so by the plan approval agency through a plan revision.